

PATENT

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In re PATENT APPLICATION of Bennington :

Serial No. 10/762,917 :

Art Unit 3725

AUG 24 2004

Filed: January 22, 2004 :

Examiner Shelley M. Self

Title: **SPLIT WHEEL STUMP CUTTER
WITH REPLACEABLE TOOTH
BLOCKS AND CUTTING TEETH** :

Confirmation No. 6149

Docket No. SNE-10-5622-D1

TERMINAL DISCLAIMER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, John T. Bennington of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to Patent No. 6,698,477 B1, issued March 2, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the granted patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of Patent No 6,698,477 B1, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination

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certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government, agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. ☐ Owner/applicant is ☒ Small entity ☐ Large entity

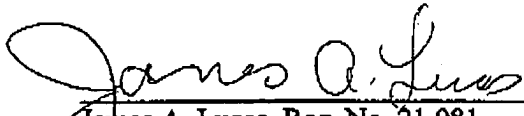
The terminal disclaimer fee under 37 CFR 1.20(d) is \$55.00 and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 500645. A duplicate copy of this sheet is enclosed.

PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)


James A. Lucas, Reg. No. 21,081
Driggs, Lucas, Brubaker & Hogg Co., L.P.A.
CUSTOMER NO. 23266

Dated: Aug. 24, 2004